IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8964 OF 200

Shankar Vithoba Sawant
& Anr. . .. Petitioners.

vs.

M/s. Vanvihar Krishi
Falodyan Vikas Sahakari
Society and Ors. .. Respondents.

Mr. S.G. Karandikar for petitioners.
Mr. Walawalkar i/by Swati Paradkar
for respondent no.1.

CORAM : S.U. KAMDAR, J.
DATE : 20th December, 2005.

P.C.:

. The present petition challenges the impugned order passed by the Additional Commissioner, Konkan Division, Mumbai under section 257 of the Maharashtra Land Revenue Code, 1966. The only ground of challenge in the present petition which is raised before me is that in para 5 of the impugned order the authority has erred in recording that the petitioner has offered the land from his other plots in accordance with the rules. He contended that he never offered any such land. The learned advocates

appearing for the respondents has drawn my attention to an application dated 16.8.1993 made by the petitioner to the Tahasildar in which inter alia it has been specifically averred that after fresh inquiry relating to surplus land and completing fresh hearing if any surplus land is found then excluding the lands set out therein the land may be taken from other lands. The learned Commissioner has pursuant to the aforesaid application itself has directed that so far as the land offered by the petitioner should be taken into consideration by taking possession if the existing land is not available for the same. In that light of the matter, I do not find any error in the impugned order passed by the Additional Commissioner and the contention raised by the petitioner that there is no such averment has to be rejected. The petition accordingly fails and the same is dismissed. No order as to costs.